THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2680 of 2007

Dated:22.08.2007

Between:

Dr.Mohammed Mohiuddin, S/o.Late Mohd.Fasihuddin.

…Petitioner

and

The State of A.P., rep.by its Prl.Secretary to
Revenue Department, Secretariat, Hyderabad,
and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

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ORDER:

The petitioner is a resident of Warrenwood Wynd, Lexington, Kentucky, U.S.A. He filed this Writ Petition through his General Power of Attorney holder, Sri Mir Wajid Ali Kamil, seeking the following relief.

> For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a writ, direction or order, more particularly one in the nature of Writ of Certiorari, calling for the records of the 3rd respondent in C.C.No.E2/5377/76 including the application of the Petitioner under G.O.456 bearing No.E2/456/3A/134/2006 along with enclosures and the applications filed by the 3rd party land grabbers under G.O.455 in the declaration of the Petitioner E2/5377/76 and the records of the appellate authority in Appeal No.Hyd/2/2004, dt.26.4.2005 and set aside the orders of the 3rd Respondent Authority u/s.8(4), dt.31.10.1986, final statement u/s.9, notification u/s.10(1), declaration u/s.10(3) and a notice u/s.10(5) and alternatively direct the 1st Respondent to regularize the excess extent of 4455.39 sq.metres declared as excess in C.C.No.E2/5377/76 of the Petitioner, as the Petitioner has already deposited a huge sum of Rs.1,25,78,760/- vide D.D.Nos.178524, 450973, 450974, 450978, 450976, 450983, 450985, 450988, 450984 and 450986 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Though the relief is not precise, it becomes clear that the petitioner essentially seeks a writ of certiorari to quash the final statement of the third respondent dated 31.10.1986 under Section 8(4) of the Urban Land (Ceiling and Regulation) Act, 1976 (for short 'the Act'), the notification issued under Section 10(1) of the Act, the declaration under Section 10(3) of the Act, and notice under Section 10(5) of the Act, as confirmed by the second respondent in proceedings dated 26.04.2005. The petitioner also seeks a direction to the first respondent to consider his applications made under G.O.Ms.No.456, dated 29.07.2002.

The Writ Petition was filed on 12.02.2007. The matter was listed on 13.02.2007. A request was made for adjournment on that day. Again when the matter was listed on 20.02.2007, the learned Counsel sought time to implead the third parties who approached the first respondent seeking regularization as per G.O.Ms.No.455, dated 29.07.2002. Therefore, the matter was adjourned to 06.03.2007. Thereafter, the matter came up before this Court twice. On 22.03.2007 this Court directed the matter to be listed under the caption "for dismissal". Learned Counsel for the petitioner sought time on the ground that he has to obtain instructions from his client. This Court refused adjournment because at the stage of admission itself, the matter came up before this Court six times.

The petitioner is a medical practitioner in U.S.A. It is his case that his mother late Basheerunnisa Begum who was also his General Power of Attorney holder filed declaration under Section 6(1) of the Act before the third respondent and the same was finalized declaring the petitioner as surplus holder of vacant land by proceedings dated 31.10.1986. After coming to know about this, the petitioner filed appeal before the second respondent, which was also dismissed on 26.04.2005. The same has become final. The petitioner alleges that he could not follow up the case as he was staying in U.S.A and the respondents did not follow the provisions of law while passing the orders. After coming to know about the guidelines issued by the Government in G.O.Ms.No.456, he submitted an application seeking exemption. The same was also not considered. The application, as alleged, was received by the third respondent on 31.03.2006, but no orders are passed.

Insofar as the challenge to the order of the second respondent is concerned, it is barred by delay and laches. In this case, the original authority passed a final order on 31.10.1986, and the appellate authority dismissed the appeal on 26.04.2005. Secondly, though the Xerox copy of the application made under G.O.Ms.No.456 is annexed to the Writ Petition, the same does not contain any date, nor the petitioner has placed before

this Court the proof that it was received by the third respondent on 31.03.2006, which is the extended last date for making applications seeking exemption under G.O.Ms.No.456. The petitioner has not shown any material or provisions of law, which confers a right on him.

For the above brief reasons, this Writ Petition is dismissed. No costs.

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(V.V.S.RAO, J)

22.08.2007
vs